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BY ECF

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Matthew Norton
20 Cr 521 (CM)

Dear Judge McMahon:

This letter is submitted on behalf of Matthew Norton in anticipation of his sentencing before Your Honor at 11:00 a.m. on December 13, 2022. For the reasons set forth below, I am respectfully asking Your Honor to sentence Mr. Norton to a term of probation.

Mr. Norton pled guilty pursuant to a written Plea Agreement with the government to a Superseding Information charging him with

labor union bribery.¹ The parties' estimate of the Guidelines is in accord with the calculations made by the Probation Department in the PSR. Namely, a total offense level of 11, and a Criminal History Category I, placing Mr. Norton within Zone B of the Sentencing Table where the Guidelines specifically authorize probation. See USSG 5C1.1(c)(3).

I know that Your Honor is well aware that the Guidelines are advisory and but one factor for the Court to consider in formulating an appropriate sentence under 18 USC 3553(a). I also know that Your Honor is familiar with Gall v. United States, 128 S.Ct. 595, 602 (2007), where the U.S. Supreme Court emphasized that 3553(a) specifically "directs judges to consider sentences other than imprisonment." And, that a probationary sentence can be structured to amount to a "substantial restriction of freedom" and meet all of the purposes of sentencing.² As set forth below, I respectfully submit that a sentence of probation would constitute a "reasonable" sentence under the 3553(a) factors in Mr. Norton's particular case.

¹ In sum and substance, while Mr. Norton was a business agent for Steamfitters Local 638, he accepted a payment in excess of \$1,000 from an employer whom he knew would be seeking some sort of favorable treatment from the union in the future. He received two payments totaling \$3,000 (the Presentence Investigation Report ("PSR") mistakenly says he received three payments not two). In any event, for the Court's information, Mr. Norton will appear at sentencing with a bank check in the amount of \$3,000 made payable to the government - representing the full forfeiture of the amount of proceeds traceable to his offense of conviction.

² As Your Honor is also no doubt well aware, in Gall, the Supreme Court upheld as "reasonable" under 3553(a), a sentence of probation imposed upon defendant Brian Michael Gall, where he pled guilty to participating in an enterprise that distributed ecstasy throughout the community, and the applicable Guidelines prison range was 30-37 months.

With respect to his personal history and characteristics, Mr. Norton is 59 years old. He has never been arrested before and poses no risk of recidivism. He is married and has helped raise two wonderful young sons, one a graduate of the University of Vermont who is gainfully employed and excelling in the workplace, and the other in his junior year at the University of Rhode Island. Attached hereto for Your Honor's review are letters from Mr. Norton's wife and two sons seeking leniency on his behalf. As Mr. Norton's wife, Jeanine, a registered nurse, wrote in her letter to this Court:

I write to Your Honor on behalf of my husband, Matthew Norton. Matt and I have been together for over 30 years. Your Honor should know that Matt has always been a wonderful husband and father to our two sons, Connor and Ryan. The last few years have been a nightmare for our entire family. Due to Matt's lapse in judgment, he lost his career and, more importantly to him, his good name. I know that my husband is deeply ashamed of what he did and he will never run afoul of the law again.

The reality is that my children and I live in fear everyday that Matt will be taken away from us. Please find it in your heart to be as lenient as possible with my husband. He would never let us down again.

As Mr. Norton's son, Ryan, explained in his letter to Your Honor:

I write to Your Honor with a very heavy heart on behalf of my father, Matthew Norton, whom I love dearly. I write in the sincere hope that you will be lenient with my father at sentencing. Please do not send him to prison.

Your Honor should know that he has always been a wonderful father to my brother and I. Our father has always showered us with love and affection. He has always been there for my brother and I - whether it be to help and encourage us at school or in our extracurricular activities - to make us breakfast if necessary - or to just listen to any problem we have had.

My brother Connor is a graduate of the University of Vermont and excelling in the workplace and I am presently a junior and doing very well at the University of Rhode Island. Suffice it to say, we are the product of the hard work ethic that our father instilled in us.

My father is a very good man - who made a mistake that he deeply regrets and is ashamed of. He is near 60 years old and has never been in any kind of trouble before. I know that he will never stray from the straight and narrow again if given a second chance.

In addition to being a loving and caring husband and father, Mr. Norton's contributions to the community at large have been nothing short of extraordinary. I have attached hereto for Your Honor's review, letters from his peers touting the positive, and, in fact, life altering influence that he has had on their lives.

Mr. Norton is a recovering alcoholic who has been sober for the past thirty-three years. The people whose lives he has touched emanate from all walks of life - men and women - young and old - rich and poor - professionals and tradesmen - to name a few. I have, quite frankly, never witnessed such an outpouring of support for one individual in my over 35 years of practice in the federal

courts - near 75 letters of support.³ For example, as attorney Brian Brown wrote in his letter for Mr. Norton:

I am a practicing attorney and I have known Matt Norton for many years through our mutual involvement in the fellowship of Alcoholics Anonymous. I write in support of his sentencing application. I take this extraordinary step of breaking my own anonymity as a recovering alcoholic, because I feel it may be helpful to you to consider the perspective of those of us who have witnessed and benefitted first-hand from Matt's decades of work with other recovering alcoholics in A.A.

The Matt Norton I know is a pillar of sobriety and service. Matt volunteers his time and energy to help other alcoholics in a multitude of service roles and positions in A.A. In addition, Matt is one of the first people to extend his hand to people still suffering from active addiction and try to guide them into recovery. Matt is tireless when it comes to working with new members of A.A., he is always willing to take them to meetings, and share with them his own experiences and journey in recovery. I know that Matt's work in A.A. is characterized by humility and service, as he has repeatedly and enthusiastically filled any and every position from "coffee maker," to "Group Chairperson.".....

³ For ease of reference, I have included collectively as Exhibit A to this submission, the Norton family letters, followed by in alphabetical order, the other letters of support written on behalf of Mr. Norton.

As Jamie Elizabeth Flynn explained in her letter for Matt:

Matthew has played a very important part in my life helping me with my sobriety, that I struggle with everyday. I came into the Program of AA broken and lost, Matthew welcomed me with open arms and more importantly an open heart. He has been here for me when I needed him no matter what. I can honestly say that I wouldn't be the mother, wife and woman I am today without the love, friendship and guidance that Matthew has given me.....

As Alex Goldmeir recalled in his letter for Matt:

On February 19, 2018, my life changed forever when I had a catastrophic accident skiing, one of the many activities that I'm passionate about. I sustained multiple catastrophic injuries including shattering my face (orbitals, upper cheeks, upper jaw, pallet), breaking my right collarbone, right wrist, six ribs on the right, one on the left, enduring a punctured lung, lacerated kidney, slicing my thoracic aorta needing a stent in my heart and completely dislocating my T4 vertebrae. This injury has left me paralyzed from my chest down.

Who would have known that a stranger that I met only a few months before would be by my bedside while I was fighting for my life. In my early stages of sobriety, Matthew presented me with my 90-day coin while I was in the hospital bed. He was there for me when I truly did not think I'd make it out alive and helped me keep believing when it was easy to give up. Matthew has helped me face some of the most difficult times not only through my sobriety but in my life. He has taught me how to accept things that I did not want to face and find gratitude through it all. Today I am

four years sober, and I owe a piece of my sobriety directly due to my support from Matthew. I don't know how or why when I woke up four years ago that the first thing on my mind was staying sober, but I do believe it has to do with the seed that Matthew planted within me which has allowed me to find something greater than myself. Today I am a third-year doctoral student studying clinical psychology and I'm gratefully sober and honored to have Matthew, an incredible friend in my life. If I had not met Matthew I would not be where I am today.....

Finally,⁴ as Douglas Holzer explained in the letter he wrote in support of Matt:

I write this letter on behalf of my dear friend Matthew Norton. I met Matt almost 11 years ago when I was at the very lowest point in my life. I had nearly been kicked out of my house and lost my family, at that point I was struggling with drug and alcohol abuse. I found myself a couple of days later in an AA meeting and that is where I met Matt. To say I was scared would be an understatement, I knew no one and knew nothing about AA, Matt was the first person to reach his hand out and tell me you are in the right place and you're going to be ok. He reached out to me daily to check in to see how I was. It wasn't just me Matt was helping, I was watching him help others. He was a big part of helping people change their lives and he did it in the most unselfish ways.

⁴ For the sake of brevity, I have only quoted from a very small sampling of the myriad letters of support I received from Mr. Norton's peers. They collectively demonstrate the enormous positive effect that Matt has had on the lives of others.

In recent years I have also had the pleasure of seeing the relationship between Matt and his boys. Whether it was on ski or surfing trips he would always share with me how important they were to him. As a parent myself that was important to hear what it meant to show up for your family.

I am beyond grateful for the love and support Matt has shown me over the past 10 years. I would not be where I am without him in my life today. I know we are not perfect, but for me Matt is close. He is truly a good man and I have confidence he will continue to be.

Matthew Norton's contributions to the community are not limited to his role in helping other alcoholics on the road to recovery and sobriety. Indeed, when terrorists attacked the World Trade Center back in 2001, Matt was one of a few Steamfitters who volunteered to risk life and limb in the days following the terrorist attack - by operating torches and burning steel in the ruins - in an attempt to locate potential survivors.⁵

As a result of Matt's exposure to 9/11 related hazards and toxins at the site, he developed in the ensuing years the following medical conditions: Chronic Rhinitis, Sinusitis, Asthma, Chronic Obstructive Pulmonary Disease, Gastroesophageal Reflux Disease, and more recently, Cancer. Mr. Norton also suffers to this day from Post-Traumatic Stress Disorder and recurring nightmares from the horrors he witnessed in the days following the attack. I have

⁵ Mr. Norton was one of a few members with FDNY certifications enabling him to operate a torch and burn steel in the recovery efforts - a critical component during the search and rescue phase in the days following the terrorist attack.

attached hereto for Your Honor's review as Exhibit B, letters from the World Trade Center Health Program at Stonybrook University and its Medical Center, confirming the complications Matt suffers from to this day.

Simply put, in my over 35 years practicing in the federal courts never have I witnessed a defendant who has had such a positive impact on his community as Mr. Norton has had throughout his life. In balancing the equities, I respectfully submit that the interests of justice would be well served by sentencing him to a probationary term.

Respectfully submitted,

/JRF/

James R. Froccaro, Jr.

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Encls.